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OFFICE OF PETITIONS

In re Patent No. 7,179,462	:	LETTER REGARDING
Srivastava et al.	:	PATENT TERM ADJUSTMENT
Issue Date: February 20, 2007:	:	and
Application No. 09/750,972	:	NOTICE OF INTENT TO ISSUE
Filed: December 28, 2000	:	CERTIFICATE OF CORRECTION
Atty Docket No. 8449-134	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed April 20, 2007.

The request for review of the patent term adjustment is **GRANTED TO THE EXTENT INDICATED¹**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of eight hundred twenty **(820)** days.

On February 20, 2007, the application matured into U.S. Patent No. 7,179,462, with a revised patent term adjustment of 1535 days. Patentees disclose that the patent term adjustment indicated on the patent should be 820 days. Patentees disclose that the patent term adjustment calculated by the United States Patent and Trademark Office indicated on the patent erroneously included overlapping time periods between the periods calculated under § 1.703(a) and § 1.703(b).

Patentees are correct. By decision mailed January 5, 2007, the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R.

¹ At one point in request for reconsideration, patentees request 847 days of patent term adjustment. However, in their discussion of the basis for the correction, patentees request 820 days. The 820 days is granted.

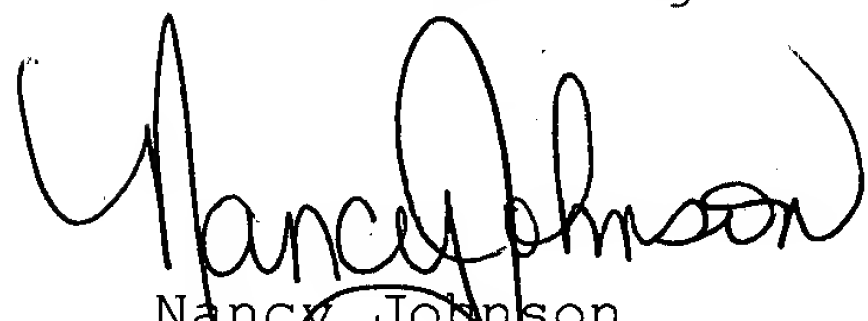
§ 1.705(b) filed November 16, 2006 was granted to the extent that the patent term adjustment at the time of the mailing of the notice of allowance was corrected to four hundred twelve (412) days. This correction was made by way of entries of additional periods of adjustment of 715 days and of reduction of 229 days.

The patent issued 3 years and 1150 days after the actual filing date of the application. A review of the record reveals that at the time of issuance of the patent an additional period of adjustment of 1123 days was entered pursuant to § 1.703(b). This period was entered without consideration of the fact that the period under § 1.703(b) overlaps with the period of adjustment of 715 days pursuant to § 1.703(a) entered on decision on application for patent term adjustment mailed January 5, 2007. (It considered only the overlapping period of 27 days). As such, as recognized by patentees, the patent term adjustment is incorrect and should be decreased by 715 days to 820 days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by eight hundred twenty **(820)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,179,462 B2
DATED : February 20, 2007
INVENTOR(S) : Srivastava et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1535) days

Delete the phrase "by 1535" and insert – by 820 days--